

The Honorable Richard A. Jones
The Honorable James P. Donohue

EXHIBIT A

DECLARATION OF SAMANTHA D. KANNER IN SUPPORT OF KING COUNTY
DEFENDANTS' CONSOLIDATED RESPONSE TO PLAINTIFF'S PENDING MOTIONS

EXHIBIT A

**CERTIFIED
COPY**

FILED

16 DEC 28 PM 2:13

KING COUNTY
SUPERIOR COURT CLERK
E-FILED

CASE NUMBER: 16-1-06917-3 SEA

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

THE STATE OF WASHINGTON,)	
)	
)	
v.)	No. 16-1-06917-3 SEA
)	
KYLE LYDELL CANTY,)	INFORMATION
)	
Defendant.)	
)	
)	

I, Daniel T. Satterberg, Prosecuting Attorney for King County in the name and by the authority of the State of Washington, do accuse KYLE LYDELL CANTY of the following crime[s], which are based on the same conduct or a series of acts connected together or constituting parts of a common scheme or plan: **Assault In The Second Degree, Assault In The Third Degree**, committed as follows:

Count 1 Assault In The Second Degree

That the defendant KYLE LYDELL CANTY in King County, Washington, on or about December 22, 2016, did intentionally assault another and thereby recklessly inflict substantial bodily harm upon Christopher Scott Myers;

Contrary to RCW 9A.36.021(1)(a), and against the peace and dignity of the State of Washington.

Count 2 Assault In The Third Degree

That the defendant KYLE LYDELL CANTY in King County, Washington, on or about December 22, 2016, did intentionally assault Canek X. Gordillo, a law enforcement officer or other employee of a law enforcement agency who was performing official duties at the time of the assault;

Contrary to RCW 9A.36.031(1)(g), and against the peace and dignity of the State of Washington.

INFORMATION - 1

Daniel T. Satterberg, Prosecuting Attorney
CRIMINAL DIVISION
W554 King County Courthouse
516 Third Avenue
Seattle, WA 98104-2385
(206) 296-9000 FAX (206) 296-0955

1 DANIEL T. SATTERBERG
2 Prosecuting Attorney

3 By:

4 
5

6 Brynn N. H. Jacobson, WSBA #47820
7 Deputy Prosecuting Attorney
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

INFORMATION - 2

Daniel T. Satterberg, Prosecuting Attorney
CRIMINAL DIVISION
W554 King County Courthouse
516 Third Avenue
Seattle, WA 98104-2385
(206) 296-9000 FAX (206) 296-0955

CAUSE NO. 16-1-06917-3 SEA

PROSECUTING ATTORNEY CASE SUMMARY AND REQUEST FOR BAIL AND/OR
CONDITIONS OF RELEASE

The State incorporates by reference the Certification for Determination of Probable Cause prepared by Detective Frank D Clark of the Seattle Police Department for case number 2016-458826.

Pursuant to CrR 2.2 the State requests bail set in the amount of \$100,000.00, consistent with the bail set at the first appearance in this case. The defendant presents a significant danger to the community, particularly Law Enforcement. He approached uniformed Seattle Police officers as they were arresting an unrelated suspect. He was verbally aggressive towards them and challenged them to a fight. When an officer tried to create space between them the defendant pushed that officer. The defendant punched another officer in the head. That officer later experienced a significant headache and was found to have a possible concussion and a posterior vitreous detachment of the eye. As officers were trying to arrest the defendant he grabbed another officer's vest and pulled the three of them to the ground. As they fell they landed on that officer's leg which caused a fracture of his lower right fibula and an ankle sprain. While on the ground the defendant continued his attempts to assault law enforcement.

This is not the defendant's first threatening contact with law enforcement. On July 2, 2016 the defendant made threatening statements about "throwing bullets" to an SPD officers and made comments about being the next "Christopher Monfort." The defendant was charged with Felony Harassment; however that case was dismissed on November 29, 2016 by Judge Shaffer. The defendant was released from the King County Jail that same day.

1
2 The defendant's ties to the community are limited. According to Court Services the
3 defendant has been in Washington for only 8 months and does not have a stable address. He has
4 arrest history from the state of New York. Therefore the State requests bail be set at \$100,000.
5 In addition to bail, the State requests that the defendant have no contact with the Seattle Police
6 Department or its officers, except in the officers' official capacities.
7
8

9 Signed and dated by me this 28th day of December, 2016.
10
11

12 

13 Brynn N. H. Jacobson, WSBA #47820
14 Deputy Prosecuting Attorney
15
16
17
18
19
20
21
22
23
24

CAUSE NO. _____

**CERTIFICATION FOR DETERMINATION
OF PROBABLE CAUSE**

GENERAL OFFENSE #
2016-458826
UNIT FILE NUMBER
H16-492

That Frank Clark is a Detective with the Seattle Police Department and has reviewed the investigation conducted in Seattle Police Department Case Number 2016-458826;

There is probable cause to believe that Kyle Lydell Canty committed the crime(s) of Assault on a Police Officer x 2 within the City of Seattle, County of King, State of Washington.

This belief is predicated on the following facts and circumstances:

On 12-22-2016, at about 1613 hours, on duty Seattle Police Officers Gordillo and Merritt, in complete police uniform, were attempting to arrest a suspect for Drug Traffic Loitering in the 1600 block of 4th Avenue, City of Seattle County of King, and State of Washington (*Documented in SPD General Offense Report #2016-458812*). The suspect fled on foot, but was caught and arrested in the 200 block of Pike Street. As officers were completing their arrest, they were approached by a person later identified as Kyle Lydell Canty. Canty was not involved in the original incident or associated with the unrelated arrested suspect. The officers were affecting the arrest and search for evidence in a closed alleyway that was clearly marked "No Admittance". Suspect Canty began speaking to the arrested suspect and became aggressive and loud. Canty was instructed not to come into the alleyway and he was warned that he could be arrested for obstruction. Suspect Canty then began yelling words like "fuck you" and "fuck the Seattle Police" towards one of the officers. He also referred to a Seattle Police detective encouraging the officers to tell the detective that "it's on". Suspect Canty challenged SPD Officer Kang to "make a move".

Seattle Police Officer Elizabeth Kennedy had responded to the scene and attempted to de-escalate the situation by calmly talking to suspect Canty. Suspect Canty would not recognize the officer's presence and while standing rigid and tense, continued to challenge officer Kang.

As officers Gordillo and Merritt were attempting to place their arrested suspect into a patrol vehicle, suspect Canty continued to move closer to the officers. Suspect Canty was again instructed to move back. Suspect Canty positioned himself in what appeared to be a fighting stance and told Officer Kang that he was not moving.

Additional back-up officers, Myers and Anderson, arrived on the scene. Officer Myer's took position behind suspect Canty who continued to yell and be verbally aggressive. Suspect Canty was calling officer Kang a "bitch" and challenging him to "bring it". Officer Myers attempted to create a barrier by placing his hands out in front of his body at which time suspect Canty pushed officer Myers with his right forearm. This action forced officer Myers' arm into his own chest. Officer Myers pushed suspect Canty back about 2-3 feet to create a space between them.

Officer Gordillo and officer Myers decided to arrest suspect Canty for assault. Officer Gordillo stepped towards suspect Canty. Suspect Canty then struck officer Gordillo in the left side of his face/head with a closed fist. Officer's Gordillo and Myers took hold of suspect Canty in an attempt to control him and take him to the ground. Suspect Canty grabbed a hold of officer Gordillo's external vest carrier and began to pull on it. This action caused suspect Canty and officers Gordillo



**CERTIFICATION FOR DETERMINATION
OF PROBABLE CAUSE**

INCIDENT NUMBER
2016-458826
UNIT FILE NUMBER
H16-492

and Myers to fall to the ground. Suspect Canty landed on officer Myer's leg, just below the right knee. Suspect Canty continued to struggle and officer Myers heard a "pop" in his leg/ankle region. The injury immediately began to become swollen. Suspect Canty continued to attempt to punch officer Gordillo. Suspect Canty also was able to take hold of officer Gordillo's radio microphone which is attached by a long cord. Other officers were summoned to assist and suspect Canty continued to struggle as he was handcuffed and taken into custody.

Seattle Fire Department Medics responded to the scene to treat officer Myers. Officer Myers was transported to the Ballard Swedish Hospital where he was diagnosed with a fracture of his lower right fibula and an ankle sprain.

Officer Gordillo was treated at the SPD East Precinct for pain to his left elbow. He later developed a significant headache and taken to Harborview Medical Center where it was determined he was suffering from a possible concussion and a posterior vitreous detachment (Eye [retina] injury).

Subsequent criminal records check show that suspect Canty has a similar pattern of conduct including threats to police officers and other criminal justice employees. He has a NCIC entry advising officers he is a Violent Offender and Serious Threat to Law Enforcement Officers. *These incidents have been documented in Seattle Police Reports 2016-219276, 2016-230940, 2016-242554, 2016-244744, and 2016-2778.*

Under penalty of perjury under the laws of the State of Washington, I certify that the foregoing is true and correct to best of my knowledge and belief. Signed and dated by me this 27th day of DECEMBER, 2016, at Seattle, Washington.

 #5327

AGENCY: Seattle PD	WASPD0000	CASE NUMBER 2016-458826	FILE NUMBER	PCN NUMBER	SUPERFORM
------------------------------	------------------	-----------------------------------	-------------	------------	------------------

DATE & TIME OF VIOLATION 12/22/2016 4:25 PM	CRIMINAL TRAFFIC CITATION ATTACHED? <input type="checkbox"/> YES <input type="checkbox"/> NO	ACCOMPLICES
DATE OF ARREST/TIME 12/22/2016 4:26 PM	ARREST LOCATION 300 Pike ST Seattle, WA 98101	

NAME (LAST, FIRST, MIDDLE/JR, SR, 1st, 2nd) CANTY, KYLE LYDELL		DOB 7/20/1985	ALIAS, NICKNAMES	
ARMED/DANGEROUS <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	IDENTITY IN DOUBT? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	CITIZENSHIP		
PHYSICAL DETAILS				
SEX M	HEIGHT 507	WEIGHT 160	SKIN TONE DRK	RACE B
EYE BRO		HAIR BLK		SCARS, MARKS, TATTOOS, DEFORMITIES
IDENTIFICATION DETAILS				
CCN 1943622	PRIOR BA # 216020036	AFB # 01023292	FBI # 279670HD6	STATE ID # NY2167178N
DRIVER'S LICENSE #		STATE	SSN	
LAST KNOWN ADDRESS 77 S WASHINGTON ST SEATTLE, WA 98104		EMPLOYMENT / SCHOOL		
RESIDENCE PHONE		BUSINESS PHONE		OCCUPATION
EMERGENCY CONTACT				
PERSON TO BE CONTACTED IN CASE OF EMERGENCY		RELATIONSHIP	Address	PHONE

OFFENSE <input type="checkbox"/> DV <input type="checkbox"/> FUGITIVE I - ASSAULT INV	RCW / ORD# 1399	COURT / CAUSE # /	CITATION #
OFFENSE <input type="checkbox"/> DV <input type="checkbox"/> FUGITIVE I - ASSAULT INV	RCW / ORD# 1399	COURT / CAUSE # /	CITATION #
OFFENSE <input type="checkbox"/> DV <input type="checkbox"/> FUGITIVE	RCW / ORD#	COURT / CAUSE #	CITATION #

WARRANT DATE	WARRANT NUMBER	OFFENSE	AMOUNT OF BAIL	WARRANT TYPE
ORIGINATING POLICE AGENCY		ISSUING AGENCY	WARRANT RELEASED TO: (SERIAL # / UNIT / DATE / TIME)	

LIST VALUABLE ITEMS OR PROPERTY LEFT FOR ARRESTEE AT JAIL	
LIST VALUABLE ITEMS OR PROPERTY ENTERED INTO EVIDENCE (SIMPLE DESCRIPTION, IDENTIFYING MARKS, SERIAL #)	
LIST ITEMS ENTERED INTO SAFEKEEPING	
TOTAL CASH OF ARRESTEE \$0.00	WAS CASH TAKEN INTO EVIDENCE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO AMOUNT: \$0.00
SIGNATURE OF JAIL STAFF RECEIVING ITEMS / SERIAL #	

ARRESTING OFFICER / SERIAL # Myers, C 5452	TRANSPORTING OFFICER / SERIAL # Virgilio, M 7575	SUPERVISOR SIGNATURE / SERIAL #
SUPERFORM COMPLETED BY (SIGNATURE/SERIAL #) Virgilio, Michael		CONTACT PERSON FOR ADDITIONAL INFORMATION (NAME/SERIAL#/PHONE)

SUPERIOR COURT FILING INFO <input type="checkbox"/> IN CUSTODY <input type="checkbox"/> AT LARGE <input type="checkbox"/> OUT ON BOND	COURT CAUSE (STAMP OR WRITE)
COURT/DIST. CT.NO.	SUP. CT. DATE
DIST. CT. BOND \$	

PERSON APPROVING EXTRADITION	SEAKING-LOCAL ONLY WACIC-STATE WIDE <input type="checkbox"/>	NCIC-WILL EXTRADITE FROM ID & OR ONLY <input type="checkbox"/>	NCIC-WILL EXTRADITE FROM OR, ID, MT, WY, CA, NY, UT, CO, AZ, NM, HI, AK <input type="checkbox"/>	NCIC-WILL EXTRADITE FROM FROM ALL 50 STATES <input type="checkbox"/>
E N T R Y CCN _____ WAC _____ NCIC _____	DOE _____ TOE _____ OP _____	C L E A R A N C E DOC _____ TOC _____ OP _____		

STATEMENT OF PROBABLE CAUSE: NON-VUCSA

I BARBARA MINER Clerk of the Superior Court of the State of Washington for King County do hereby certify that this copy is a true and perfect transcript of said original as it appears on file and of record in my office and of the whole thereof IN TESTIMONY WHEREOF I have affixed this seal of said Superior Court at my office at Seattle on this date JUL 28 2017



BARBARA MINER Superior Court Clerk

By *Barbara Miner*
Deputy Clerk

**CERTIFIED
COPY**

FILED
KING COUNTY, WASHINGTON

FEB 15 2017

SEA
SUPERIOR COURT CLERK

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

THE STATE OF WASHINGTON,)	
	Plaintiff,)
v.)	No. 16-1-06917-3 SEA
)	
KYLE LYDELL CANTY,)	
	Defendant.)
)	FIRST AMENDED INFORMATION
)	
)	

I, Daniel T. Satterberg, Prosecuting Attorney for King County in the name and by the authority of the State of Washington, do accuse KYLE LYDELL CANTY of the following crime[s], which are based on the same conduct or a series of acts connected together or constituting parts of a common scheme or plan: **Assault In The Second Degree, Assault In The Second Degree**, committed as follows:

Count 1 Assault In The Second Degree

That the defendant Kyle Lydell Canty in King County, Washington, on or about December 22, 2016, did intentionally assault another and thereby recklessly inflict substantial bodily harm upon Christopher Scott Myers;

Contrary to RCW 9A.36.021(1)(a), and against the peace and dignity of the State of Washington.

Count 2 Assault In The Second Degree

That the defendant Kyle Lydell Canty in King County, Washington, on or about December 22, 2016, did intentionally assault another and thereby recklessly inflict substantial bodily harm upon Canek X. Gordillo;

Contrary to RCW 9A.36.021(1)(a), and against the peace and dignity of the State of Washington.


AMENDED INFORMATION - 1

Daniel T. Satterberg, Prosecuting Attorney
CRIMINAL DIVISION
W554 King County Courthouse
516 Third Avenue
Seattle, WA 98104-2385
(206) 296-9000 FAX (206) 296-0955

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

DANIEL T. SATTERBERG
Prosecuting Attorney

By:


Brandy L. Gevers, WSBA# 45234
Deputy Prosecuting Attorney

AMENDED INFORMATION - 2

Daniel T. Satterberg, Prosecuting Attorney
CRIMINAL DIVISION
W554 King County Courthouse
516 Third Avenue
Seattle, WA 98104-2385
(206) 296-9000 FAX (206) 296-0955

I BARBARA MINER Clerk of the Superior Court of the State of Washington for King County do hereby certify that this copy is a true and perfect transcript of said original as it appears on file and of record in my office and of the whole thereof IN TESTIMONY WHEREOF I have affixed this seal of said Superior Court at my office at Seattle on this date JUL 28 2017



BARBARA MINER Superior Court Clerk

By *Barbara Miner*
Deputy Clerk

CERTIFIED COPY

King County Superior Court of Washington

NOTICE OF SENTENCING DATE

FILED
17 JUL 26 AM 11:24
KING COUNTY
SUPERIOR COURT CLERK
SEATTLE, WA

JUDGE	ROOM	VERDICT DATE
Smith, Lori K.	W941	7/25/17
STATE OF WASHINGTON VS.		
CANTY, KYLE		
CAUSE NO.	Charge(s) <input type="checkbox"/> Felony <input type="checkbox"/> Misd	
16-1-06917-3 SEA	ASLT 2° x2	
SENTENCING DATE	SENTENCING TIME	
08/10/2017	8:30AM	
DEFENSE ATTORNEY	TELEPHONE	
PRO SE		
CANTY, KYLE		

PRESENTENCE REPORTS ARE REQUIRED FROM THE PROSECUTING ATTORNEY AND THE DEFENSE ATTORNEY PURSUANT TO CrR 7.1.

COMMENTS:

DEFENDANT'S ADDRESS			
IN Custody SEA			
CITY	STATE	ZIP CODE	TELEPHONE
DATE OF BIRTH		CCN	
07/20/1985		1943622	
INTERPRETER			

DISTRIBUTION: Prosecuting Attorney, Defense Attorney, Sentencing Judge, Sentencing Coordinator
ORIGINAL: Court File

Please remember to use our Security Request form for all security requests and/or to advise the KCSO Court Protection Unit of any/all upcoming high profile/security related hearings. Click on the following link to access the Security Request form: [Security Request Forms](#).

I BARBARA MINER Clerk of the Superior Court of the State of Washington for King County do hereby certify that this copy is a true and perfect transcript of said original as it appears on file and of record in my office and of the whole thereof IN TESTIMONY WHEREOF I have affixed this seal of said Superior Court at my office at Seattle on this date JUL 28 2017



BARBARA MINER Superior Court Clerk

By *Barbara Miner*
Deputy Clerk